

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

(916) 445-7964



September 17, 1981

ALL-COUNTY INFORMATION NOTICE I- 116-81

TO: ALL COUNTY WELFARE DEPARTMENTS  
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES  
ALL DEPARTMENT OF SOCIAL SERVICES DISTRICT OFFICES

SUBJECT: LAWS RELATING TO ADOPTION - 1980

REFERENCE:

The purpose of this information notice is to summarize the provisions of AB 3070 and AB 2749 that have an impact on the adoptions program. Both bills became law on January 1, 1981.

AB 3070 (Egeland) Chapter 1229, Statute of 1980

The passage of this bill makes changes in the Civil Code pertaining to the adoption program. It also sets forth legislative policy on the foster care program and amends Section 11212 of the Welfare and Institutions Code.

Section 224m of the Civil Code is amended to provide that the filing of a relinquishment with the Department of Social Services shall terminate all parental rights and responsibilities with regard to the child.

Section 224s is amended to provide that for a child placed for adoption the written report on the child's background shall contain all known diagnostic information, including current medical reports, psychological evaluations, and scholastic information, as well as all known information on the child's developmental history and family life.

Section 232.6 is added to provide that an order declaring a child free from parental custody and control terminates all parental rights and responsibilities with regard to the child. The purpose of termination actions, as stated in this amendment, is to provide the child the stability and security of an adoptive home when those conditions are otherwise missing from his or her life.

Section 396-398 is added to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code setting forth the legislative policy that foster care is a temporary method of care, that reunification with the natural parents or another alternate permanent plan such as adoption or guardianship is more suitable to a child's well-being than foster care,

and that children currently in foster care should not be moved from foster home to foster home. To carry out this policy, each county welfare or probation department is required to report to Department of Social Services foster care characteristics data and care information deemed essential by Department of Social Services to establish a foster care information system. Department of Social Services is required to submit a report to the Speaker of the Assembly and Senate Rules Committee on October 1, 1981, on the current status of children placed in foster care.

Section 11212 of the Welfare and Institutions Code is amended to provide that the State, through the county welfare department, will pay the burial cost and funeral expenses directly to the funeral home and burial plot owner when:

- a) the foster parent or foster parents request such direct payment, or
- b) the child's death is due to alleged criminal negligence or other alleged criminal action on the part of the foster parent or foster parents.

The amendment also specifies that payment for the funeral home and burial plot cannot exceed the level of reimbursement allowed by the State Board of Control burial costs under the Victims of Violent Crimes program.

AB 2749 (Alatorre) Chapter 1166


The passage of this bill repeals the provisions of the Welfare and Institutions Code pertaining to Aid to Families with Dependent Children in boarding homes and institutions and provides instead for a program of Aid to Families with Dependent Children-Foster Care (AFDC-FC). W & I Code Section 11401 as amended impacts the adoptions program by providing that children who are relinquished to Department of Social Services or a licensed public or private adoption agency or who have been declared free from the custody and control from either or both parents after an action has been brought by such agency, are eligible for the AFDC-FC Program provided:

- 1. The child was receiving aid at the time the relinquishment was taken or the petition was granted, or
- 2. A civil action is pending to terminate the rights of the second parent or,
- 3. The child is found to be unplaceable subsequent to the relinquishment or termination of parental rights.

Regulations specifying other program changes required by AB 2749 will be coming out in the future.

If you have any questions regarding this letter, please contact your adoptions program consultant at (916) 445-7964.

Sincerely,

  
JAMES H. GOMEZ  
Deputy Director

cc: CWDA